

**NR 411 Indirect Source Rule Revisions
Draft Stakeholder Session Summary
Roadways Construction
September 14, 2006**

Attendees: Pat Stevens, Dwight McComb, Tom Walker, Larry Bruss, Mike Friedlander, Pat Trainer, Cameron Bump, Bob and Karin Moreau, Scott Manley, Mike Halstead, Carolyn Amegashie, Jay Waldschmidt

Item: Purpose of Meeting (Bruss)

Keypoints:

- | |
|--|
| <ul style="list-style-type: none">• To collect stakeholder input on potential emission reduction options during the construction phase of new roadway projects and traffic signalization requirement before principal arterial expansion.• Stakeholders request clear explanation of signalization, applicability. Questions relating to Congestion Management System in Southeast Wisconsin• Discussion that local communities are already required to update traffic signals. Some questions on whether signalization is periodic or long term.• Some inconsistency possible with local efforts to “traffic calm” and provide pedestrian accommodations that may interfere with optimum traffic flow. Example : Madison - East Washington Corridor and Monroe Street• WisDOT raises concern that signalization compliance will require additional personnel• FHWA raises the need for localities to consider “long term” preservation of signal timing efficiency |
|--|

Outcomes/Follow-up:

- | |
|--|
| <ul style="list-style-type: none">✓ WDNr will work with stakeholders during interim to develop language that can achieve mutual objectives while maintaining program flexibility |
|--|

Item: Comments on the Meeting Summary from Facilities Construction Control Options – (All)

Keypoints:

- | |
|---|
| <ul style="list-style-type: none">• Final minutes summary completed and awaiting distribution to larger stakeholder group• Seeking project related emissions level data from St. Mary’s Hospital• Awaiting Traffic Generator list from WisDOT |
|---|

Outcomes/Follow-up:

- | |
|---|
| <ul style="list-style-type: none">✓ N/A |
|---|

Item: Progress on Evaluating the Legal Authority for Proceeding with NR 411 Rule Revision (Larry Bruss)
--

Keypoints:

- | |
|---|
| <ul style="list-style-type: none">• Stakeholders question need to further regulate HAPS when we already have NR 445 <p>Contention that WDNr lacks the statutory authority to regulate Mobile Sources through NR 411 Rule Revision. WDNr official legal justification needs to be in writing</p> |
|---|

Outcomes/Follow-up:

- | |
|--|
| <ul style="list-style-type: none">✓ Mike Scott, WDNr Legal Staff, has already made a preliminary assessment that we have the statutory authority to proceed with proposed revisions to NR 411.✓ Tom Steidl and Mike Scott will develop formal written description of legal position |
|--|

Item: DNR Proposal for Control of Construction Related Emissions for Roadway Expansion – (Mike Friedlander)

Keypoints:

- *Road and highway projects.* For road and highway projects located outside the metropolitan counties, no permit is required for any new road or highway segment which will carry less than 4 lanes of traffic, for any new intersection each leg of which will carry less than 4 lanes of traffic, or for any modified road or highway segment or modified intersection which will have less than 2 additional lanes of traffic. In addition, no permit is required for any road or highway project which will meet all of the following criteria for location and anticipated traffic volumes within 10 years after construction or modification:
 1. For any new road or highway segment or new intersection leg located in a metropolitan county, a peak hour volume of less than 1200 motor vehicles per hour.
 2. For any modified road or highway segment located in a metropolitan county, an increase in the peak hour volume of less than 1200 motor vehicles per hour.
 3. For any new road or highway segment or new intersection leg located outside the metropolitan counties, a peak hour volume of less than 1800 motor vehicles per hour.
 4. For any modified road or highway segment located outside the metropolitan counties, an increase in the peak hour volume of less than 1800 motor vehicles per hour.
- Retrofit Off-Road Equipment with Diesel Oxidation Catalyst (DOC), 5 minute idle restriction for Off-Road Construction equipment, use of ultra low sulfur diesel (15 ppm) in Off-Road Construction Equipment. Applies to equipment with 50 HP or greater that is on site for more than 14 days
- Questions on movement of Construction Equipment on and off-site
- Should we lower VMT threshold to apply to more roadway projects?
- For air quality effectiveness, the rule should apply to all roadway construction projects, all off-road construction equipment, and agricultural equipment
- What are the cost /benefit analysis for control measures proposed for NR 411 revision?
- WisDOT requests clarification on types of projects that might require traffic synchronization and what types of projects might require emission reduction during construction.
- WisDOT recommends more discussion among experts in traffic signal synchronization and operation to really see what is feasible given the competing interests (pedestrian safety versus air quality for example).
 - WisDOT's believes proposed rule is NOT "quid pro quo". NR 411 currently has very little impact from both a time and cost standpoint on WisDOT. The proposed changes to the rule appear to have a substantial impact on WisDOT from both a time and cost standpoint.

Outcomes/Follow-up:

- ✓ WDNR will request representative from DOC manufacturer to make presentation to stakeholders
- ✓ WDNR to provide exemption/applicability language to stakeholders relative to idling restriction

Item: General Discussion (Group)

Keypoints:

- Request detailed sector inventory information for average summer day and 2012 emissions data
- Emissions higher for construction equipment in the summer months
- What are the air quality implications for off-road construction emissions that occur at night? More emphasis on roadway construction at night to avoid peak period traffic
- Diesel Oxidation Catalyst does not address NOx
- Each piece of construction equipment is unique. What are the warranty, maintenance, and installation

requirements of Diesel Oxidation catalyst?

- Recommend voluntary program similar to Texas, need funding sources for control measures
- Presented case studies represent contract specifications, not additional regulations
- Should newer equipment be retrofitted?
- Availability of Ultra Low Sulfur Diesel before 2010?
- Stakeholders want a list of sources responsible for air quality problems, sorted from worst contributors
- Competitiveness issues cited. Passing cost on to consumer is not an option. Funding sources are limited
- Some stakeholders are already absorbing additional cost of federal controls. Progress is being made. Newer equipment used more. Older equipment will be turned over.
- We are meeting air quality standards currently
- Stakeholders request specific purpose of rule. The pollutant of concern?

Outcomes/Follow-up:

- ✓ WDNR will request industry representative make presentation to stakeholders regarding DOC warranty, maintenance, reliability, installation requirements
- ✓ WDNR staff will research price differences between off-road and on-road diesel and investigate how other state's mitigated issue
- ✓ Present stakeholders with EPA Emission Regulations for Off-Road Equipment
- ✓ WDNR : The rule change concentrates on the permitting of indirect sources and associated emissions. As a quid pro quo we are offering easier permitting in exchange for real emission reductions. The rule change, while beneficial for ozone, PM2.5 and haze, is not intended as part of an overall SIP to attain the standards and therefore. Other emissions from other sectors such as the agricultural are irrelevant in the discussion as we move forward.
- ✓ Clean Air Act Science Advisory Commission recommends that ozone standard be lowered to 70 PPB. On September 27, USEPA scheduled to release final PM 2.5 standard. Probable that Milwaukee, Waukesha, and Green Bay will exceed 24 Hour value for PM 2.5

NEXT MEETING: Thursday, October 5, 9:30-Noon in Room 709

TOPIC: Transportation Demand Management Proposal for Indirect Source Permit Applicants.